

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DOUGLAS McCALLUM,

X

:

Plaintiff,

:

- against -

:

CITY OF NEW YORK, et al.,

:

Defendants.

:

X

22-CV-81 (PAE) (RWL)

ORDER

**ROBERT W. LEHRBURGER, United States Magistrate Judge.****Valentin Order**

On June 27, 2022, Defendants responded to the Court's *Valentin* Order (Dkt. 7), identifying Officer Alberto Gonzalez as the officer who allegedly punched Plaintiff as detailed in his Complaint. (Dkt 15.) On November 7, 2022, Plaintiff filed an Amended Complaint adding Officer Gonzalez as a Defendant, and additionally describing allegedly wrongful conduct by additional "John Doe" officers during their arrest of Plaintiff. (Dkt. 32.) Plaintiff requested an additional *Valentin* order to identify the remaining John Doe officers. (Dkt. 33.)

Under *Valentin v. Dinkins*, a pro se litigant is entitled to assistance from the district court in identifying John Doe defendants. 121 F.3d 72, 76 (2d Cir. 1997). The Amended Complaint alleges that Officer Gonzalez and three other unidentified officers falsely arrested and assaulted Plaintiff on November 15, 2019. The Amended Complaint provides information regarding Plaintiff's complaint filed with the New York City Civilian Complaint Review Board and physical descriptions of the unidentified officers. The Amended Complaint thus appears to supply sufficient information for the City to identify the unidentified police officers.

USDC SDNY
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DOC #:
DATE FILED: 11/8/2022

Accordingly, the Court orders the New York City Law Department to ascertain the identity of the unknown police officers and file its finding on the docket **by November 22, 2022.**

### **Service Of Process**

To allow Plaintiff, proceeding pro se, to effect service on Defendant Gonzalez through the U.S. Marshals Service, the Clerk of Court is instructed to complete a U.S. Marshals Service Process receipt and Return Form (USM-285 form) for Defendant Gonzalez at the address listed:

Lieutenant Alberto Gonzalez  
New York City Police Department 52nd Precinct,  
3016 Webster Avenue  
Bronx, NY 10467

The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon Defendant Gonzalez. The Court will order service on the remaining Defendants after they have been identified by the City.

### **Plaintiff's Responsibilities**

It is Plaintiff's responsibility to ensure that service is made within 90 days of the date the summons is issued and, if necessary, to request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012). Plaintiff also must notify the Court in writing if his address changes; the Court may dismiss the action if Plaintiff fails to do so.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: November 8, 2022  
New York, New York

Copies transmitted this date to all counsel of record. The Clerk of Court is respectfully requested to mail a copy of this order to the pro se Plaintiff and note service on the docket:

Douglas McCallum  
60 Clark Lane  
Apt. B  
Staten Island, NY 10304